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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,600	09/10/2001	Ludo Adriaensen	016782-0230	6512

22428 7590 04/14/2003

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

GRAY, JILL M

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/857,600

Applicant(s)

ADRIAENSEN ET AL.

Examiner

Jill M Gray

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1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

The rejection of claims 1, 6, and 8-9 under 35 U.S.C. 102(b) as being anticipated by Creps 4,358,887 is withdrawn in view of applicants' amendment and arguments.

The rejection of claims 2-5, 7, and 9-12 under 35 U.S.C. 103(a) as being unpatentable over Creps in view of European Patent Publication No. 791,453 (hereinafter Busby) and Great Britain Publication No. 2,077,762 (Sou) is withdrawn in view of applicants amendment and arguments.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-18, 20-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takazawa et al, 4,774,105 (Takazawa) in view of Kotera et al, 4,340,519 (Kotera).

Takazawa teaches a metal article comprising a core covered with an intermediate coating layer and a synthetic resin coated thereupon. The core can be a steel wire and the intermediate coating layer is a metallic coating and the synthetic resin is polyester, essentially as claimed by applicants in claim 13. In addition, the metallic

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coating can be a metal of the type set forth by applicants in claim 18. See column 2, lines 15-27. The intermediate coating layer is applied in what can be construed to be the hot dip method, as set forth by claim 21. See Examples 1 and 2. As to claim 24, Takazawa teaches that the polyester can be applied as a film, which would obviate a method including extrusion. Takazawa is silent as to the specific polyester.

Kotera teaches a polyester resin aqueous dispersion that has excellent adhesion to metals and excellent anticorrosion properties and is useful as wire coating, wherein the substrates can be steel or metal coated steel. See column 8, lines 1-18 and column 9, lines 8-13. The polyester can be a polyethylene terephthalate, is transparent and can contain pigments or coloring agents as required by claims 14-17 and 22. See column 7, lines 61-64.

Creps teaches a coated steel substrate comprising a steel core that is covered with an intermediate layer and immediately thereupon with a polymer, said polymer being polyester. See abstract. In addition, Creps teaches that the intermediate coating layer can be zinc and that the coating is applied by the hot-dip method as required by claim 21. See column 1, lines 7-10 and column 3, lines 14-18. Also, Creps teaches that the substrate is water cooled and subjected to pullout rolls for straightening, or more specifically, wet drawing, as required by claim 23. See column 3, lines 41-45.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to produce a coated steel wire having a steel core covered with an intermediate coating layer and immediately thereupon with a polymer, said polymer being a polyester synthetic resin usable for heavy-duty corrosion protection, essentially

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as taught by Takazawa. Moreover, it would have been equally obvious to modify the teachings of Takazawa by using as the polyester protective coating, a polyester of the type taught by Kotera that is transparent and colored and has excellent adhesion to metals and excellent anticorrosion properties, with the reasonable expectation of success of obtaining a steel wire having excellent anticorrosive properties. As to the method of claims 20-24, the combined teaching of Takazawa, Kotera and Creps would have rendered obvious the method steps of providing a steel core, coating said core with an intermediate layer using a hot dip operation, wet drawing said coated steel core, using a transparent thermoplastic polyester that is further coated on said intermediate layers. As to claim 19, metal coating of steel substrates is known in the art and the selection of copper or copper alloy would have been an obvious variant commensurate with the desired properties of the end product. Furthermore, the selection of copper or copper alloy over other metals is not construed to be a matter of invention in the absence of clear factual evidence to the contrary.

Therefore, when considered as whole, the combined teachings of Takazawa, Kotera, and Creps would have rendered obvious the invention as claimed in present claims 13-24.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

No claims are allowed.

### ***Conclusion***

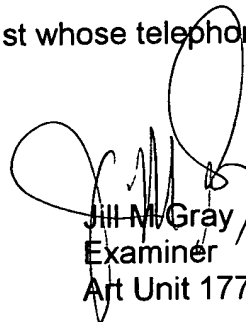
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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M Gray whose telephone number is 703.308.2381. The examiner can normally be reached on 10:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 703.308.0449. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.5408 for regular communications and 703.305.3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0651.



Jill M Gray  
Examiner  
Art Unit 1774

jmg  
April 10, 2003